

AMENDED IN SENATE JULY 3, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 446

**Introduced by Committee on Business and Professions (Correa
(Chair), Cedillo, Chavez, Koretz, Matthews, Nation, Shelley,
and Wesson)**

February 20, 2001

An act to amend Sections 4841.5, 4842.2, 4843.5, 4883, 4901, ~~5680.1, 7581, 7725.2, 7881, 8008, 8507.1, 9746, 9801, and 5680.1,~~ 7581, 7725.2, 7881, 8008, 8507.1, 8513, 8516, 8517, 8518, 8538, 8551.5, 8560, 8562, 8564, 8564.5, 8565, 8565.5, 8566, 8566.5, 8593, 8616.5, 8651, 9746, 9750, 9801, and 9833 of, *to add Section 121.5 to, and to repeal Sections 8516.1 and 8516.2 of,* the Business and Professions Code, *and to amend Section 1632 of the Civil Code,* relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 446, as amended, Committee on Business and Professions. Professions and vocations.

(1) Existing law provides for the licensure of persons in various professions and vocations and requires payment of a renewal fee upon the renewal of an expired license. Under existing law, these renewal fees are deposited into funds that are continuously appropriated.

This bill would require, instead, that all accrued and unpaid renewal fees be paid at the time of renewal of an expired license *unless the license or registration was designated as inactive or retired*. Because

this bill would increase the amount of renewal fees paid into a number of continuously appropriated funds, the bill would make an appropriation.

(2) Existing law establishes the Registered Veterinary Technician Examining Committee Fund.

This bill would change the name of that fund to the Registered Veterinary Technician Committee Fund.

(3) The Private Security Services Act authorizes the Director of Consumer Affairs to enforce and administer its provisions, and authorizes the director to adopt and enforce reasonable rules in connection with this function, including establishing the qualifications a uniformed employee of a licensee who operates as a private patrol operator is required to meet as a condition of handling guide dogs.

This bill would delete this particular provision from the rules that the director is authorized to adopt and enforce.

(4) The Electronic and Appliance Repair Dealer Registration Law provides for the registration and regulation of service dealers, a business which includes the repairing, servicing, or maintaining of an electronic set. Under that law, an electronic set is defined as including various types of electronic equipment, including cellular telephones.

This bill would delete cellular telephones from the list of equipment included in the definition of an electronic set.

(5) Existing law establishes the Court Reporters Board of California and specifies its powers and duties. Existing law also creates the Transcript Reimbursement Fund for the purpose of providing shorthand reporting services to low-income litigants in civil cases who otherwise cannot afford those services.

This bill would add administration of this fund as a power or duty of the board.

(6) Existing law provides for the regulation and licensure by the Structural Pest Control Board of a structural pest control applicator and defines this term as including an individual who applies a specified chemical substance for various purposes, including for wood roof cleaning and treatment.

This bill would delete this particular purpose from the definition of a structural pest control applicator *and would make related, conforming changes*.

(7) *Existing law requires a person engaged in a trade or business who negotiates primarily in the Spanish-language to provide a Spanish-language translation of specified agreements to the*



contracting party. Under existing law, the translation may be submitted to the Department of Consumer Affairs to verify its accuracy.

This bill would delete these terms providing for the department's review of these translations.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 121.5 is added to the Business and
2 Professions Code, to read:

3 121.5. Except as otherwise provided in this code, no
4 delinquency fee or accrued and unpaid renewal fees shall be
5 assessed upon the renewal of an expired license or registration that
6 has lawfully been designated as inactive or retired.

7 SEC. 2. Section 4841.5 of the Business and Professions Code
8 is amended to read:

9 4841.5. To be eligible to take the written and practical
10 examination for registration as a registered veterinary technician,
11 the applicant shall:

12 (a) Be at least 18 years of age.

13 (b) Furnish satisfactory evidence of graduation from, at
14 minimum, a two-year curriculum in veterinary technology, in a
15 college or other postsecondary institution approved by the board,
16 or the equivalent thereof as determined by the board. In the case
17 of a private postsecondary institution, the institution shall also be
18 approved by the Bureau for Private Postsecondary and Vocational
19 Education.

20 ~~SEC. 2.~~

21 SEC. 3. Section 4842.2 of the Business and Professions Code
22 is amended to read:

23 4842.2. (a) Commencing July 1, 1998, all funds collected by
24 the board under this article shall be deposited in the Veterinary
25 Medical Board Contingent Fund.

26 (b) All unappropriated funds existing in the Registered
27 Veterinary Technician Committee Fund on July 1, 1998, shall be
28 transferred to the Veterinary Medical Board Contingent Fund.

29 (c) This section shall become operative July 1, 1998.

30 ~~SEC. 3.~~

1 *SEC. 4.* Section 4843.5 of the Business and Professions Code
2 is amended to read:

3 4843.5. Except as otherwise provided in this article, an
4 expired certificate of registration may be renewed at any time
5 within five years after its expiration on filing of an application for
6 renewal on a form prescribed by the board, and payment of all
7 accrued and unpaid renewal fees. If the certificate of registration
8 is renewed more than 30 days after its expiration, the registrant, as
9 a condition precedent to renewal, shall also pay the delinquency
10 fee prescribed by this article. Renewal under this section shall be
11 effective on the date on which the application is filed, on the date
12 all renewal fees are paid, or on the date on which the delinquency
13 fee, if any, is paid, whichever occurs last.

14 ~~SEC. 4.~~

15 *SEC. 5.* Section 4883 of the Business and Professions Code is
16 amended to read:

17 4883. The board may deny, revoke, or suspend a license or
18 assess a fine as provided in Section 4875 for any of the following:

19 (a) Conviction of a crime substantially related to the
20 qualifications, functions, or duties of veterinary medicine,
21 surgery, or dentistry, in which case the record of the conviction
22 shall be conclusive evidence.

23 (b) For having professional connection with, or lending one's
24 name to, any illegal practitioner of veterinary medicine and the
25 various branches thereof.

26 (c) Violation or attempting to violate, directly or indirectly, any
27 of the provisions of this chapter.

28 (d) Fraud or dishonesty in applying, treating, or reporting on
29 tuberculin or other biological tests.

30 (e) Employment of anyone but a veterinarian licensed in the
31 state to demonstrate the use of biologics in the treatment of
32 animals.

33 (f) False or misleading advertising.

34 (g) Unprofessional conduct, that includes, but is not limited to,
35 the following:

36 (1) Conviction of a charge of violating any federal statutes or
37 rules or any statute or rule of this state regulating dangerous drugs
38 or controlled substances. The record of the conviction is
39 conclusive evidence thereof. A plea or verdict of guilty or a
40 conviction following a plea of nolo contendere is deemed to be a

1 conviction within the meaning of this section. The board may
2 order the license suspended or revoked, or assess a fine, or decline
3 to issue a license, when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an
5 order granting probation is made suspending the imposition of
6 sentence, irrespective of a subsequent order under Section 1203.4
7 of the Penal Code allowing the person to withdraw his or her plea
8 of guilty and to enter a plea of not guilty, or setting aside the verdict
9 of guilty, or dismissing the accusation, information or indictment.

10 (2) (A) The use of or prescribing for or administering to
11 himself or herself, any controlled substance.

12 (B) The use of any of the dangerous drugs specified in Section
13 4022, or of alcoholic beverages to the extent, or in any manner as
14 to be dangerous or injurious to a person licensed under this chapter,
15 or to any other person or to the public, or to the extent that the use
16 impairs the ability of the person so licensed to conduct with safety
17 the practice authorized by the license.

18 (C) The conviction of more than one misdemeanor or any
19 felony involving the use, consumption, or self-administration of
20 any of the substances referred to in this section or any combination
21 thereof, and the record of the conviction is conclusive evidence.

22 A plea or verdict of guilty or a conviction following a plea of
23 nolo contendere is deemed to be a conviction within the meaning
24 of this section. The board may order the license suspended or
25 revoked or assess a fine, or may decline to issue a license, when
26 the time for appeal has elapsed or the judgment of conviction has
27 been affirmed on appeal or when an order granting probation is
28 made suspending imposition of sentence, irrespective of a
29 subsequent order under Section 1203.4 of the Penal Code allowing
30 the person to withdraw his or her plea of guilty and to enter a plea
31 of not guilty, or setting aside the verdict of guilty, or dismissing the
32 accusation, information, or indictment.

33 (3) A violation of any federal statute, rule, or regulation or any
34 of the statutes, rules, or regulations of this state regulating
35 dangerous drugs or controlled substances.

36 (h) Failure to keep one's premises and all equipment therein in
37 a clean and sanitary condition.

38 (i) Fraud, deception, negligence, or incompetence in the
39 practice of veterinary medicine.



(j) Aiding or abetting in any acts that are in violation of any of the provisions of this chapter.

(k) The employment of fraud, misrepresentation, or deception in obtaining the license.

(l) The revocation, suspension, or other discipline by another state or territory of a license or certificate to practice veterinary medicine in that state or territory.

(m) Cruelty to animals, conviction on a charge of cruelty to animals, or both.

(n) Disciplinary action taken by any public agency in any state or territory for any act substantially related to the practice of veterinary medicine.

(o) Violation, or the assisting or abetting violation, of any regulations adopted by the board pursuant to this chapter.

~~SEC. 5.~~

SEC. 6. Section 4901 of the Business and Professions Code is amended to read:

4901. Except as otherwise provided in this chapter, an expired license may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 4900 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

~~SEC. 6.~~

SEC. 7. Section 5680.1 of the Business and Professions Code is amended to read:

5680.1. Except as otherwise provided in this chapter, a license that has expired may be renewed at any time within three years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license is renewed more than 30 days after its expiration, the licenseholder, as a condition precedent to renewal,

shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 5680 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

~~SEC. 7.~~

SEC. 8. Section 7581 of the Business and Professions Code is amended to read:

7581. The director may adopt and enforce reasonable rules, as follows:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including, but not limited to, persons employed by any lawful business as security guards or patrolpersons, and armored contract carriers and limiting the field and scope of the operations of a licensee to those in which he or she is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) Establishing the qualifications that any person employed by a private patrol operator or any lawful business as a security guard or patrolperson, or employed by an armored contract carrier, must meet as a condition of becoming eligible to carry firearms pursuant to subdivision (d) of Section 12031 of the Penal Code.

(e) Requiring each uniformed employee of a private patrol operator and each armored vehicle guard, as defined in this chapter, and any other person employed and compensated by a private patrol operator or any lawful business as a security guard or patrolperson and who in the course of this employment carries a deadly weapon to be registered with the bureau upon application on a form prescribed by the director accompanied by the registration fee and by two classifiable sets of fingerprints of the applicant or its equivalent as determined by the director and approved by the Department of Justice, establishing the term of the registration for a period of not less than two nor more than four

1 years, and providing for the renewal thereof upon proper
2 application and payment of the renewal fee. The director may,
3 after opportunity for a hearing, refuse this registration to any
4 person who lacks good moral character, and may impose
5 reasonable additional requirements as are necessary to meet local
6 needs that are not inconsistent with the provisions of this chapter.

7 (f) Establishing procedures whereby the local authorities of
8 any city, county, or city and county may file charges with the
9 director alleging that any registered security guard or
10 patrolperson, or anyone who is an applicant for registration, with
11 the bureau fails to meet standards for registration, and providing
12 further for the investigation of the charges.

13 (g) Requiring private patrol operators and any lawful business
14 to maintain detailed records identifying all firearms in their
15 possession or under their control, and the employees or persons
16 authorized to carry or have access to those firearms.

17 ~~SEC. 8.~~

18 *SEC. 9.* Section 7725.2 of the Business and Professions Code
19 is amended to read:

20 7725.2. Except as otherwise provided in this article, a license
21 that has expired may be renewed at any time within five years after
22 its expiration on filing of an application for renewal on a form
23 prescribed by the bureau and payment of all accrued and unpaid
24 renewal fees. If the license is not renewed within 30 days after its
25 expiration the licensee, as a condition precedent to renewal, shall
26 also pay the delinquency fee prescribed by this chapter. Renewal
27 under this section shall be effective on the date on which the
28 application is filed, on the date on which all renewal fees are paid,
29 or on the date on which the delinquency fee, if any, is paid,
30 whichever last occurs. If so renewed, the license shall continue in
31 effect through the date provided in Section 7725 that next occurs
32 after the effective date of the renewal, when it shall expire if it is
33 not again renewed.

34 If a license is not renewed within one year following its
35 expiration, the bureau may require as a condition of renewal that
36 the holder of the license pass an examination on the appropriate
37 subjects provided by this chapter.

38 ~~SEC. 9.~~

39 *SEC. 10.* Section 7881 of the Business and Professions Code
40 is amended to read:

7881. Except as otherwise provided in this article, certificates of registration as a geologist or as a geophysicist, or certified specialty certificates, may be renewed at any time within five years after expiration on filing an application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 7880 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

~~SEC. 10.~~

SEC. 11. Section 8008 of the Business and Professions Code is amended to read:

8008. The board also has the following powers and duties:

(a) To adopt a seal.

(b) By affirmative vote of at least three members of the board, to suspend or revoke a certificate, for any cause specified in this chapter.

(c) To charge and collect all fees as provided for in this chapter.

(d) To administer the Transcript Reimbursement Fund described in Section 8030.2.

(e) To require the renewal of all certificates.

(f) To issue subpoenas, to administer oaths, and to take testimony concerning any matter within the jurisdiction of the board.

(g) To investigate the actions of any licensee, upon receipt of a verified complaint in writing from any person, for alleged acts or omissions constituting grounds for disciplinary action under the chapter.

~~SEC. 11.~~

SEC. 12. Section 8507.1 of the Business and Professions Code is amended to read:

8507.1. (a) "Structural pest control applicator" is any individual who is licensed by the board to apply a pesticide, rodenticide, or allied chemicals or substances for the purpose of

1 eliminating, exterminating, controlling, or preventing infestation
2 or infections of pests or organisms included in Branch 2 or Branch
3 3 on behalf of a registered company.

4 A structural pest control applicator shall not contract for pest
5 control work or perform pest control work in his or her own behalf.

6 (b) As used in this chapter, “applicator” refers to “structural
7 pest control applicator.”

8 ~~SEC. 12.~~

9 *SEC. 13. Section 8513 of the Business and Professions Code*
10 *is amended to read:*

11 8513. (a) The board shall prescribe a form entitled “Notice
12 to Owner” ~~which~~ *that* shall describe, in nontechnical language and
13 in a clear and coherent manner using words with common and
14 everyday meaning, the pertinent provisions of this state’s
15 mechanics’ lien laws and the rights and responsibilities of an
16 owner of property and a registered pest control company
17 thereunder. Each company registered under this chapter, prior to
18 entering into a contract with an owner for work for which a
19 company registration is required, shall give a copy of this “Notice
20 to Owner” to the owner, his or her agent, or the payer.

21 (b) No company ~~which~~ *that* is required to be registered under
22 this chapter shall require or request a waiver of lien rights from any
23 subcontractor, employee, or supplier.

24 (c) Each company registered under this chapter ~~which~~ *that* acts
25 as a subcontractor for another company registered under this
26 chapter shall, within 20 days of commencement of any work for
27 which a company registration is required, give the preliminary
28 20-day notice (private work) in accordance with the provisions of
29 Section 3097 of the Civil Code, to the owner, his or her agent, or
30 the payer.

31 (d) Each company registered under this chapter ~~which~~ *that* acts
32 as a prime contractor for work for which a company registration
33 is required shall, prior to accepting payment for the work, furnish
34 to the owner, his or her agent, or the payer a full and unconditional
35 release from any claim of mechanics’ lien by any subcontractor
36 entitled to enforce a mechanics’ lien pursuant to Section 3114 of
37 the Civil Code.

38 (e) Each company registered under this chapter ~~which~~ *that*
39 subcontracts to another company registered under this chapter
40 work for which a company registration is required shall furnish to

the subcontractor the name of the owner, his or her agent, or the payer.

(f) The provisions of this section shall be applicable only to those registered companies, as defined in Section 8506.1, operating pursuant to a Branch 1; *or* Branch 3; ~~or wood roof cleaning and treatment~~ registration.

(g) A violation of the provisions of this section is a ground for disciplinary action.

SEC. 14. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms, ~~but do not apply to work conducted pursuant to Section 8516.1.~~

(b) No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to *this* subdivision ~~(b) of Section 8516.1, or Section 8518, or subdivision (b) of this section~~ shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to ~~Section 8516.1, Section 8518, or this section~~ *are* is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500).

A written inspection report conforming to this section and on a form approved by the board shall be prepared and delivered to the person requesting the inspection or to the person's designated agent within 10 business days of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all original inspection reports, filed notes, and activity forms.

1 Reports shall be made available for inspection and reproduction
2 to the executive officer of the board or his or her duly authorized
3 representative during business hours. Original inspection reports
4 or copies thereof shall be submitted to the board upon request
5 within two business days. The following shall be set forth in the
6 report:

7 (1) The date of the inspection and the name of the licensed field
8 representative or operator making the inspection.

9 (2) The name and address of the person or firm ordering the
10 report.

11 (3) The name and address of any person who is a party in
12 interest.

13 (4) The address or location of the property.

14 (5) A general description of the building or premises inspected.

15 (6) A foundation diagram or sketch of the structure or
16 structures or portions of the structure or structures inspected,
17 indicating thereon the approximate location of any infested or
18 infected areas evident, and the parts of the structure where
19 conditions that would ordinarily subject those parts to attack by
20 wood destroying pests or organisms exist.

21 (7) Information regarding the substructure, foundation walls
22 and footings, porches, patios and steps, air vents, abutments, attic
23 spaces, roof framing that includes the eaves, rafters, fascias,
24 exposed timbers, exposed sheathing, ceiling joists, and attic walls,
25 or other parts subject to attack by wood destroying pests or
26 organisms. Conditions usually deemed likely to lead to infestation
27 or infection, such as earth-wood contacts, excessive cellulose
28 debris, faulty grade levels, excessive moisture conditions,
29 evidence of roof leaks, and insufficient ventilation are to be
30 reported.

31 (8) One of the following statements, as appropriate, printed in
32 bold type:

33 (A) The exterior surface of the roof was not inspected. If you
34 want the water tightness of the roof determined, you should
35 contact a roofing contractor who is licensed by the Contractors'
36 State License Board.

37 (B) The exterior surface of the roof was inspected to determine
38 whether or not wood destroying pests or organisms are present.

39 (9) Indication or description of any areas that are inaccessible
40 or not inspected with recommendation for further inspection if

1 practicable. If, after the report has been made in compliance with
2 this section, authority is given later to open inaccessible areas, a
3 supplemental report on conditions in these areas shall be made.

4 (10) Recommendations for corrective measures.

5 (11) Information regarding the pesticide or pesticides to be
6 used for their control as set forth in subdivision (a) of Section
7 8538.

8 (12) The inspection report shall clearly disclose that if
9 requested by the person ordering the original report, a reinspection
10 of the structure will be performed if an estimate or bid for making
11 repairs was given with the original inspection report, or thereafter.

12 (13) The inspection report shall contain the following
13 statement, printed in boldface type:

14 “NOTICE: Reports on this structure prepared by various
15 registered companies should list the same findings (i.e. termite
16 infestations, termite damage, fungus damage, etc.). However,
17 recommendations to correct these findings may vary from
18 company to company. You have a right to seek a second opinion
19 from another company.”

20 An estimate or bid for repairs shall be given separately
21 allocating the costs to perform each and every recommendation for
22 corrective measures as specified in subdivision (c) with the
23 original inspection report if the person who ordered the original
24 inspection report so requests, and if the registered company is
25 regularly in the business of performing corrective measures.

26 If no estimate or bid was given with the original inspection
27 report, or thereafter, then the registered company shall not be
28 required to perform a reinspection.

29 A reinspection shall be an inspection of those items previously
30 listed on an original report to determine if the recommendations
31 have been completed. Each reinspection shall be reported on an
32 original inspection report form and shall be labeled
33 “Reinspection” in capital letters by rubber stamp or typewritten.
34 Each reinspection shall also identify the original report by date and
35 stamp numbers.

36 After four months from an original inspection, all inspections
37 shall be original inspections and not reinspections.

38 Any reinspection shall be performed for not more than the price
39 of the registered company’s original inspection price and shall be

1 completed within 10 working days after a reinspection has been
2 ordered.

3 (c) At the time a report is ordered, the registered company or
4 licensee shall inform the person or entity ordering the report, that
5 a separated report is available pursuant to this subdivision. If a
6 separated report is requested at the time the inspection report is
7 ordered, the registered company or licensee shall separately
8 identify on the report each recommendation for corrective
9 measures as follows:

10 (1) The infestation or infection that is evident.

11 (2) The conditions that are present that are deemed likely to
12 lead to infestation or infection.

13 If a registered company or licensee fails to inform as required
14 by this subdivision and a dispute arises, or if any other dispute
15 arises as to whether this subdivision has been complied with, a
16 separated report shall be provided within 24 hours of the request
17 but, in no event, later than the next business day, and at no
18 additional cost.

19 (d) When a corrective condition is identified, either as
20 paragraph (1) or (2) of subdivision (c), and the responsible party,
21 as negotiated between the buyer and the seller, chooses not to
22 correct those conditions, the registered company or licensee shall
23 not be liable for damages resulting from a failure to correct those
24 conditions or subject to any disciplinary action by the board.
25 Nothing in this subdivision, however, shall relieve a registered
26 company or a licensee of any liability resulting from negligence,
27 fraud, dishonest dealing, other violations pursuant to this chapter,
28 or contractual obligations between the registered company or
29 licensee and the responsible parties.

30 (e) The inspection report form prescribed by the board shall
31 separately identify the infestation or infection that is evident and
32 the conditions that are present that are deemed likely to lead to
33 infestation or infection. If a separated form is requested, the form
34 shall explain the infestation or infection that is evident and the
35 conditions that are present that are deemed likely to lead to
36 infestation or infection and the difference between those
37 conditions. In no event, however, shall conditions deemed likely
38 to lead to infestation or infection be characterized as actual
39 “defects” or as actual “active” infestations or infections or in

1 need of correction as a precondition to issuing a certification
2 pursuant to Section 8519.

3 (f) The report and any contract entered into shall also state
4 specifically when any guarantee for the work is made, and if so,
5 the specific terms of the guarantee and the period of time for which
6 the guarantee shall be in effect.

7 (g) Control service is defined as the regular reinspection of a
8 property after a report has been made in compliance with this
9 section and any corrections as have been agreed upon have been
10 completed. Under a control service agreement a registered
11 company shall refer to the original report and contract in a manner
12 as to identify them clearly, and the report shall be assumed to be
13 a true report of conditions as originally issued, except it may be
14 modified after a control service inspection. A registered company
15 is not required to issue a report as outlined in paragraphs (1) to (11),
16 inclusive, of subdivision (b) after each control service inspection.
17 If after control service inspection, no modification of the original
18 report is made in writing, then it will be assumed that conditions
19 are as originally reported. A control service contract shall state
20 specifically the particular wood destroying pests or organisms and
21 the portions of the buildings or structures covered by the contract.

22 (h) A registered company or licensee may enter into and
23 maintain a control service agreement provided the following
24 requirements are met:

25 (1) The control service agreement shall be in writing, signed by
26 both parties, and shall specifically include the following:

27 (A) The wood destroying pests and organisms that could infest
28 and infect the structure.

29 (B) The wood destroying pests and organisms covered by the
30 control service agreement. Any wood destroying pest or organism
31 that is not covered must be specifically listed.

32 (C) The type and manner of treatment to be used to correct the
33 infestations or infections.

34 (D) The structures or buildings, or portions thereof, covered by
35 the agreement, including a statement specifying whether the
36 coverage for purposes of periodic inspections is limited or full.
37 Any exclusions from those described in the original report must be
38 specifically listed.

39 (E) A reference to the original inspection report and agreement.

1 (F) The frequency of the inspections to be provided, the fee to
2 be charged for each renewal, and the duration of the agreement.

3 (G) Whether the fee includes structural repairs.

4 (H) If the services provided are guaranteed, and, if so, the terms
5 of the guarantee.

6 (I) A statement that all corrections of infestations or infections
7 covered by the control service agreement shall be completed
8 within six months of discovery, unless otherwise agreed to in
9 writing by both parties.

10 (2) Inspections made pursuant to a control service agreement
11 shall be conducted by a Branch 3 licensee. Section 8506.1 does not
12 modify this provision.

13 (3) A full inspection of the property covered by the control
14 service agreement shall be conducted and a report filed pursuant
15 to subdivision (b) at least once every three years from the date that
16 the agreement was entered into, unless the consumer cancels the
17 contract within three years from the date the agreement was
18 entered into.

19 (4) A written report shall be required for the correction of any
20 infestation or infection unless all of the following conditions are
21 met:

22 (A) The infestation or infection has been previously reported.

23 (B) The infestation or infection is covered by the control
24 service agreement.

25 (C) There is no additional charge for correcting the infestation
26 or infection.

27 (D) Correction of the infestation or infection takes place within
28 45 days of its discovery.

29 (E) Correction of the infestation or infection does not include
30 fumigation.

31 (5) All notice requirements pursuant to Section 8538 shall
32 apply to all pesticide treatments conducted under control service
33 agreements.

34 (6) For purposes of this section, “control service agreement”
35 means any agreement, including extended warranties, to have a
36 licensee conduct over a period of time regular inspections and
37 other activities related to the control or eradication of wood
38 destroying pests and organisms.

39 (i) All work recommended by a registered company, where an
40 estimate or bid for making repairs was given with the original

inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

SEC. 15. Section 8516.1 of the Business and Professions Code is repealed.

~~8516.1. (a) This section applies only to work conducted by a wood roof cleaning and treatment registered company or licensee.~~

~~(b) No wood roof cleaning and treatment registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying organisms or nondecay fungi on a wood shake or shingle roof until an inspection has been made. All inspections performed by these registered companies or licensees shall be on properties that are not offered for sale, lease, or exchange, and shall be limited to the wood shakes or shingles on wood shake or shingle roofs and may only be performed for purposes of detecting the presence or absence of wood destroying organisms such as decay fungi on the wood shakes or shingles and resulting decay, or nondecay fungi such as mold, mildew, lichen, or moss on the wood shakes or shingles.~~

~~(c) The address of each property inspected or upon which work is completed shall be reported on a form approved by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.~~

~~Every property inspected pursuant to subdivision (b) of Section 8516, Section 8518, or subdivision (b) of this section shall be assessed a filing fee pursuant to Section 8674.~~

~~Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8516, Section 8518, or this section are grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars (\$2,500).~~

~~A written inspection report conforming to this section and on a form approved by the board shall be prepared and delivered to the person requesting the inspection or to the person's designated agent within 10 business days of the inspection. The report shall be delivered before work is commenced on any property. All wood roof cleaning and treatment registered companies shall retain for~~

~~three years all original inspection reports, field notes, and activity forms.~~

~~Reports shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. Original inspection reports or copies thereof shall be submitted to the board upon request within two business days.~~

~~The following items shall be set forth in the report:~~

~~(1) The date of the inspection and the name of the licensee making the inspection.~~

~~(2) The name and address of the person or firm ordering the report.~~

~~(3) The name and address of any person who is a party in interest.~~

~~(4) The address or location of the property.~~

~~(5) A general description of the roof covering inspected.~~

~~(6) A diagram or sketch of the roof inspected indicating thereon the type and approximate location of any infection of wood destroying organisms or nondecay fungi.~~

~~(7) Information regarding conditions usually deemed likely to lead to infection of wood destroying organisms and nondecay fungi.~~

~~(8) Recommendations for corrective measures.~~

~~(9) Information regarding the wood preservative to be used for control of the wood destroying organisms and nondecay fungi as set forth in subdivision (a) of Section 8538.~~

~~(10) A statement printed in 10-point boldface type, stating that the corrective measures will not improve the water tightness of the roof and if the person or entity who ordered the report wants the roof inspected for a determination of water tightness, that person or entity should contact a roofing contractor who is licensed by the Contractors' State License Board.~~

~~(11) For purposes of this section and Section 8516, "water tightness" means that at the time the inspection was performed the roof would not, under normal climatic conditions, leak.~~

~~(d) At the time the report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separated report is available pursuant to this subdivision. If a separated report is requested at the time the inspection report is ordered, the registered company or licensee shall separately~~

1 ~~identify on the report each recommendation for corrective~~
2 ~~measures as follows:~~

3 ~~(1) The infection that is evident.~~

4 ~~(2) The conditions that are present that are deemed likely to~~
5 ~~lead to infection of wood-destroying organisms such as decay~~
6 ~~fungus.~~

7 ~~(3) The conditions that are present that are nondecay fungi such~~
8 ~~as mold, mildew, lichen, or moss.~~

9 ~~If the registered company or licensee fails to comply with the~~
10 ~~requirements of this subdivision and a dispute arises, or if any~~
11 ~~dispute arises as to whether this subdivision has been complied~~
12 ~~with, a separate report shall be provided to the person or entity~~
13 ~~ordering the report within 24 hours of that request, but in no event~~
14 ~~later than the next business day, and at no additional cost.~~

15 ~~(e) The report and any contract entered into shall also state~~
16 ~~specifically when any guarantee for the work is made, and if so,~~
17 ~~the specific terms of the guarantee and the period of time for which~~
18 ~~the guarantee shall take effect.~~

19 ~~(f) All work recommended by the registered company, where~~
20 ~~an estimate or bid for making repairs was given with the original~~
21 ~~inspection report, or thereafter, shall be recorded on that report or~~
22 ~~a separate work agreement and shall specify a price for each~~
23 ~~recommendation. This information shall be provided to the person~~
24 ~~requesting the inspection, and shall be retained by the registered~~
25 ~~company with the inspection report copy for two years.~~

26 ~~(g) All wood roof cleaning and treatment registered companies~~
27 ~~shall possess a current roofing contractor's license issued by the~~
28 ~~Contractors' State License Board.~~

29 *SEC. 16. Section 8516.2 of the Business and Professions Code*
30 *is repealed.*

31 ~~8516.2.— Each copy of an inspection report filed with the board~~
32 ~~pursuant to Section 8516 or 8516.1 shall have affixed thereto a~~
33 ~~stamp issued by the board in the denomination fixed by the board~~
34 ~~pursuant to Section 8674 as the inspection report filing fee. The~~
35 ~~board shall provide for the sale of such stamps and for the refund~~
36 ~~of moneys paid for stamps which are returned to it unused.~~

37 *SEC. 17. Section 8517 of the Business and Professions Code*
38 *is amended to read:*

39 ~~8517. Any work contract, billing, agreement, letter of work~~
40 ~~completed, or other correspondence or document expressing an~~

1 opinion or making a statement relating to the presence or absence
2 of wood destroying pests or organisms, ~~or for wood roof cleaning~~
3 ~~and treatment registered companies, relating to the presence or~~
4 ~~absence of wood destroying organisms~~ or nondecay fungi, shall
5 refer to the inspection report required by Section 8516 ~~or 8516.1~~.
6 ~~Such~~ These documents shall indicate specifically whether all of
7 the recommended work as set forth in the inspection report was
8 completed, or, if not, ~~it~~ the document shall indicate specifically
9 which recommendations were not completed.

10 SEC. 18. Section 8518 of the Business and Professions Code
11 is amended to read:

12 8518. When a registered company completes work under a
13 contract, it shall prepare, on a form prescribed by the board, a
14 notice of work completed and not completed, and shall furnish that
15 notice to the owner of the property or the owner's agent within 10
16 working days after completing the work. The notice shall include
17 a statement of the cost of the completed work and estimated cost
18 of work not completed.

19 The address of each property inspected or upon which work was
20 completed shall be reported on a form prescribed by the board and
21 shall be filed with the board no later than 10 working days after
22 completed work.

23 Every property upon which work is completed shall be assessed
24 a filing fee pursuant to Section 8674.

25 Failure of a registered company to report and file with the board
26 the address of any property upon which work was completed
27 pursuant to subdivision (b) of Section 8516, ~~subdivision (b) of~~
28 ~~Section 8516.1~~, or Section 8518 ~~are~~ is grounds for disciplinary
29 action and shall subject the registered company to a fine of not
30 more than two thousand five hundred dollars (\$2,500).

31 The registered company shall retain for three years all original
32 notices of work completed, work not completed, and activity
33 forms.

34 Notices of work completed and not completed shall be made
35 available for inspection and reproduction to the executive officer
36 of the board or his or her duly authorized representative during
37 business hours. Original notices of work completed or not
38 completed or copies thereof shall be submitted to the board upon
39 request within two business days.

1 *SEC. 19. Section 8538 of the Business and Professions Code*
2 *is amended to read:*

3 8538. (a) A registered structural pest control company shall
4 provide the owner, or owner's agent, and tenant of the premises for
5 which the work is to be done with clear written notice which
6 contains the following statements and information using words
7 with common and everyday meaning:

8 (1) ~~The pest to be controlled or in the case of wood roof~~
9 ~~cleaning and treatment registered company applications, the~~
10 ~~purpose of applying the wood preservative or preservatives.~~

11 (2) The pesticide or pesticides proposed to be used, and the
12 active ingredient or ingredients.

13 (3) "State law requires that you be given the following
14 information: CAUTION—PESTICIDES ARE TOXIC
15 CHEMICALS. Structural Pest Control Companies are registered
16 and regulated by the Structural Pest Control Board, and apply
17 pesticides which are registered and approved for use by the
18 California Department of Pesticide Regulation and the United
19 States Environmental Protection Agency. Registration is granted
20 when the state finds that based on existing scientific evidence there
21 are no appreciable risks if proper use conditions are followed or
22 that the risks are outweighed by the benefits. The degree of risk
23 depends upon the degree of exposure, so exposure should be
24 minimized."

25 "If within 24 hours following application you experience
26 symptoms similar to common seasonal illness comparable to the
27 flu, contact your physician or poison control center (telephone
28 number) and your pest control company immediately." (This
29 statement shall be modified to include any other symptoms of
30 overexposure which are not typical of influenza.)

31 "For further information, contact any of the following: Your
32 Pest Control Company (telephone number); for Health
33 Questions—the County Health Department (telephone number);
34 for Application Information—the County Agricultural
35 Commissioner (telephone number) and for Regulatory
36 Information—the Structural Pest Control Board (telephone
37 number and address)."

38 (4) If a contract for periodic pest control has been executed, the
39 frequency with which the treatment is to be done.

(b) In the case of Branch 1 applications, the notice, as prescribed by subdivision (a), shall be provided at least 48 hours prior to application unless fumigation follows inspection by less than 48 hours.

In the case of Branch 2; ~~or Branch 3; or wood roof cleaning and treatment~~ registered company applications, the notice, as prescribed by subdivision (a) shall be provided no later than prior to application.

In either case, the notice shall be given to the owner, or owner's agent, and tenant, if there is a tenant, in at least one of the following ways:

(1) First-class mail.

(2) Posting in a conspicuous place on the real property.

(3) Personal delivery.

If the building is commercial or industrial, a notice shall be posted in a conspicuous place, unless the owner or owner's agent objects, in addition to any other notification required by this section.

The notice shall only be required to be provided at the time of the initial treatment if a contract for periodic service has been executed. If the pesticide to be used is changed, another notice shall be required to be provided in the manner previously set forth herein.

(c) Any person or licensee who, or registered company which, violates any provision of this section is guilty of a misdemeanor and is punishable as set forth in Section 8553.

SEC. 20. Section 8551.5 of the Business and Professions Code is amended to read:

8551.5. No unlicensed individual in the employ of a registered company shall apply any pesticide, rodenticide, or allied chemicals or substances for the purpose of eliminating, exterminating, controlling, or preventing infestation or infections of pests, or organisms included in Branch 2; ~~or Branch 3; or wood roof cleaning and treatment~~. However, an individual may, for 30 days from the date of hire, apply pesticides, rodenticides, or allied chemicals for the purposes of training under the direct supervision of a licensed field representative or operator employed by the company. This direct supervision means in the presence of the licensed field representative or operator at all times. The 30-day time period may not be extended.

1 *SEC. 21. Section 8560 of the Business and Professions Code*
2 *is amended to read:*

3 8560. (a) Licenses issued to operators, field representatives,
4 or applicators shall be limited to the branch or branches of pest
5 control ~~or wood roof cleaning and treatment~~ for which the
6 applicant has qualified by application and examination.

7 ~~(1) For the purpose of delimiting the type and character of work~~
8 ~~authorized by the various branch licenses hereinafter set forth, the~~
9 ~~practice of pest control is classified into the following branches;~~
10 ~~namely:~~

11 Branch 1. Fumigation. The practice relating to the control of
12 household and wood destroying pests or organisms by fumigation
13 with poisonous or lethal gases.

14 Branch 2. General pest. The practice relating to the control of
15 household pests, excluding fumigation with poisonous or lethal
16 gases.

17 Branch 3. Termite. The practice relating to the control of
18 wood destroying pests or organisms by the use of insecticides, or
19 structural repairs and corrections, excluding fumigation with
20 poisonous or lethal gases.

21 ~~(2) For the purposes of delimiting the type and character of~~
22 ~~work authorized for wood roof cleaning and treatment registered~~
23 ~~companies, the following apply:~~

24 ~~The practice of inspecting wood shake or shingle roofs to~~
25 ~~determine the presence or absence of (A) wood destroying~~
26 ~~organisms including decay fungi on the wood shakes or shingles,~~
27 ~~and resulting decay, and (B) nondecay fungi including mold,~~
28 ~~mildew, lichen, or moss; cleaning the wood shakes or shingles; and~~
29 ~~applying wood preservatives to the wood shakes or shingles to~~
30 ~~prevent infection of wood destroying organisms or nondecay fungi~~
31 ~~or further damage from wood destroying organisms.~~

32 (b) The board may issue a license for a combination of two or
33 more branches ~~and wood roof cleaning and treatment~~ for which an
34 applicant qualifies under the provisions of this chapter, and the
35 combination license shall be considered one license.

36 (c) Unless otherwise authorized by the board, all written
37 examinations shall be in ink in books supplied by the board. All
38 examination papers shall be kept for a period of one year, upon the
39 expiration of which these papers may be destroyed on order of the
40 board. Each applicant for license as an operator or a field

representative shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examination papers are graded. No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license.

(d) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations.

(e) Licensees may be licensed in other branches ~~or in wood roof cleaning and treatment~~ upon complying with the requirements for qualification and by examination in those other branches, ~~or wood roof cleaning and treatment~~. No failure of the licensee to pass examination in the other branch or branches ~~or wood roof cleaning and treatment~~ shall have any effect on existing licenses.

(f) The examination shall be in each of the subjects specified in the branch, ~~or branches, or wood roof cleaning and treatment~~ relating to the respective applications. License according to the applications shall be granted to any applicant who shall make a general average of not less than 70 percent on each of the subjects of the branch or branches ~~or wood roof cleaning and treatment~~.

SEC. 22. Section 8562 of the Business and Professions Code is amended to read:

8562. To obtain an original operator's license, an applicant shall submit to the registrar an application in writing containing the statement that the applicant desires the issuance of an operator's license under the terms of this chapter.

The application shall be made on forms prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(a) The name of the applicant.

(b) Proof satisfactory to the board that the applicant has had actual experience for a period of not less than the time specified opposite the branches of pest control or wood roof cleaning and treatment listed below in the employ of a registered company in the State of California in the particular branch or branches of pest control or wood roof cleaning and treatment for which the applicant desires to be licensed, or the equivalent of that experience:

Branch 1	2 years
Branch 2	2 years

1	Branch 3	4 years
2	Wood roof cleaning and treatment	2 years

3

4 For the purpose of this subdivision one year shall equal 1,600
5 hours of actual experience in the field. ~~However, any person~~
6 ~~applying for a license in wood roof cleaning and treatment on or~~
7 ~~before June 30, 1995, who was actively involved in the business~~
8 ~~of commercially applying wood preservatives to wood shake or~~
9 ~~shingle roofs for at least two years in the five year period prior to~~
10 ~~July 1, 1990, is deemed to have sufficient experience for wood roof~~
11 ~~cleaning and treatment, provided the person submits proof to the~~
12 ~~board of that experience, and that person shall not be required to~~
13 ~~demonstrate to the board that he or she has satisfactorily passed the~~
14 ~~courses specified in Section 8565.5 as a condition for the issuance~~
15 ~~of that operator's license.~~

16 (c) A designation of the branch; ~~or branches, or wood roof~~
17 ~~cleaning and treatment~~ for which the application is made.

18 (d) The fees prescribed by this chapter.

19 (e) No operator's license shall be issued to an individual under
20 18 years of age.

21 (f) Effective January 1, 1993, an operator's license shall not be
22 issued to an individual unless that individual has been licensed as
23 a field representative in the branch ~~or in wood roof cleaning and~~
24 ~~treatment~~ in which the individual has applied for an operator's
25 license for a period of at least one year, in the case of Branches 1
26 and 2, ~~and wood roof cleaning and treatment~~, or for a period of at
27 least two years for Branch 3, or has demonstrated to the
28 satisfaction of the board that he or she has the equivalent of that
29 training and experience.

30 *SEC. 23. Section 8564 of the Business and Professions Code*
31 *is amended to read:*

32 8564. To obtain an original field representative's license, an
33 applicant shall submit to the registrar an application in writing
34 containing a statement that the applicant desires the issuance of a
35 field representative's license under the terms of this chapter.

36 The application shall be made on a form prescribed by the board
37 and issued by the registrar in accordance with rules and regulations
38 adopted by the board, and shall contain the following:

39 (a) The length of time during which the applicant has engaged
40 in any work relating to pest control.

1 (b) The name and place of business of the person who last
2 employed him or her.

3 (c) The name of the person by whom the applicant is employed.

4 (d) The name of the registered company by which the applicant
5 is to be employed.

6 (e) The fees prescribed by this chapter.

7 The board shall not accept any application for a field
8 representative's license in Branch 1 unless the applicant submits
9 proof satisfactory to the board that he or she has had six months'
10 training and experience in the practice of fumigating with
11 poisonous or lethal gases under the immediate supervision of an
12 individual licensed to practice fumigating, or the equivalent of that
13 training and experience.

14 The board shall not accept any application for a field
15 representative's license in Branch 2 unless the applicant submits
16 proof satisfactory to the board that he or she has had training and
17 experience in the practice of pesticide application, Branch 2 pest
18 identification and biology, pesticide application equipment, and
19 pesticide hazards and safety practice under the immediate
20 supervision of an operator or field representative licensed in
21 Branch 2, or the equivalent of that training and experience.

22 The board shall not accept any application for a field
23 representative's license in Branch 3 unless the applicant submits
24 proof satisfactory to the board that he or she has had training and
25 experience in the practice of pesticide application, Branch 3 pest
26 identification and biology, pesticide application equipment,
27 pesticide hazards and safety practices, structural repairs, and
28 structural inspection procedures and report writing under the
29 immediate supervision of an operator or field representative
30 licensed in Branch 3, or the equivalent of that training and
31 experience.

32 ~~The board shall not accept any application for a field~~
33 ~~representative's license in wood roof cleaning and treatment~~
34 ~~unless the applicant submits proof satisfactory to the board that he~~
35 ~~or she has had experience and training in the practice of~~
36 ~~identification of wood destroying organisms and nondecay fungi~~
37 ~~on wood shake or shingle roofs, wood preservative application~~
38 ~~equipment, wood preservative hazards and safety practices, wood~~
39 ~~shake or shingle roof inspection procedures and report writing~~
40 ~~under the immediate supervision of an operator or field~~

~~representative licensed in wood roof cleaning and treatment, and wood preservative application procedures, or the equivalent of that experience and training.~~

SEC. 24. Section 8564.5 of the Business and Professions Code is amended to read:

8564.5. (a) Any individual 18 years of age or older may apply for a license as applicator.

(b) The board shall ascertain by written examination that an applicant for a license as applicator in Branch 2 or Branch 3 has sufficient knowledge in pesticide equipment, pesticide mixing and formulation, pesticide application procedures and pesticide label directions.

~~(c) The board shall ascertain by written examination that an applicant for a license as applicator in wood roof cleaning and treatment has sufficient knowledge of wood preservative application equipment, wood preservative application procedures, mixing and formulation and wood preservative label directions.~~

~~(d) Passage of the written examination authorizes an individual to apply any chemical substance in Branch 2 or Branch 3 or any wood preservative as part of a roof restoration process.~~

~~(e)~~

(d) The board may charge a fee for any examination required by this section in an amount sufficient to cover the cost of administering the examination, provided, however, that the fee shall not exceed fifteen dollars (\$15).

~~(f)~~

(e) Nothing in this chapter shall prohibit an applicator, authorized to apply any chemical substance in Branch 2 or Branch 3 ~~or wood preservative as part of a roof restoration process~~ before January 1, 1995, from acting as an applicator pursuant to that authorization. Upon expiration of the authorization, an applicator's license shall be required.

SEC. 25. Section 8565 of the Business and Professions Code is amended to read:

8565. The board shall ascertain by written examination that an applicant for a license as operator is qualified in the use and understanding of all of the following:

(a) The English language, including reading, writing, and spelling.

1 (b) The building and safety laws of the state and any of its
2 political subdivisions, if the branch or branches of pest control, ~~or~~
3 ~~wood-roof cleaning and treatment~~ for which he or she is applying,
4 require that knowledge.

5 (c) The labor laws of the state.

6 (d) The provisions of this chapter.

7 (e) Poisonous and other dangerous chemicals used in pest
8 control, if the branch license or licenses for which he or she is
9 applying, require that knowledge.

10 (f) The theory and practice of the branch or branches of pest
11 control ~~or wood-roof cleaning and treatment~~ in which the applicant
12 desires to be licensed.

13 (g) Other state laws, safety or health measures, or practices that
14 are reasonably within the scope of structural pest control in the
15 various branches ~~—or in wood-roof cleaning and treatment,~~
16 including an applicant's knowledge of the requirements regarding
17 health effects and restrictions on applications, as set forth in
18 Section 8538.

19 *SEC. 26. Section 8565.5 of the Business and Professions Code*
20 *is amended to read:*

21 8565.5. (a) An applicant for a Branch 1 operator's license
22 shall demonstrate to the board that he or she has passed
23 satisfactorily board-approved courses in the following areas:

24 (1) Pesticides.

25 (2) Pest identification and biology.

26 (3) Contract law.

27 (4) Rules and regulations.

28 (5) Business practices.

29 (6) Fumigation safety.

30 (b) An applicant for a Branch 2 operator's license shall
31 demonstrate to the board that he or she has passed satisfactorily
32 board-approved courses in the following areas:

33 (1) Pesticides.

34 (2) Pest identification and biology.

35 (3) Contract law.

36 (4) Rules and regulations.

37 (5) Business practices.

38 (c) An applicant for a Branch 3 operator's license shall
39 demonstrate to the board that he or she has passed satisfactorily
40 board-approved courses in the following areas:

- 1 (1) Pesticides.
- 2 (2) Pest identification and biology.
- 3 (3) Contract law.
- 4 (4) Rules and regulations.
- 5 (5) Business practices.
- 6 (6) Construction repair and preservation techniques.
- 7 ~~(d) An applicant for a wood roof cleaning and treatment~~
- 8 ~~operator's license shall demonstrate to the board that he or she has~~
- 9 ~~passed satisfactorily board approved courses in the following~~
- 10 ~~areas:~~
- 11 ~~(1) Contract law.~~
- 12 ~~(2) Rules and regulations.~~
- 13 ~~(3) Business practices.~~
- 14 ~~(4) Wood preservatives.~~
- 15 ~~(5) Identification of wood destroying organisms and nondecay~~
- 16 ~~fungi on wood shake or shingle roofs.~~

17 The board shall develop a correspondence course or courses
18 with any educational institution or institutions as it deems
19 appropriate. These courses may be used to fulfill the requirements
20 of this section. The institution may charge a reasonable fee for each
21 course.

22 *SEC. 27. Section 8566 of the Business and Professions Code*
23 *is amended to read:*

24 8566. The board shall ascertain by written examination that
25 an applicant for a license as field representative is qualified in the
26 use and understanding of the following:

27 (a) The safety laws of the state, if the branch or branches of pest
28 control ~~or wood roof cleaning and treatment~~ for which he or she
29 is applying, require that knowledge.

30 (b) The provisions of this chapter.

31 (c) Poisonous and other dangerous chemicals used in pest
32 control ~~and wood roof cleaning and treatment~~, if the branch or
33 branches of pest control ~~or wood roof cleaning and treatment~~ for
34 which he or she is applying, require that knowledge.

35 (d) The theory and practice of pest control in the branch or
36 branches thereof ~~or in wood roof cleaning and treatment~~ for which
37 the applicant desires to be licensed.

38 (e) Other state laws, safety or health measures, or practices as
39 are reasonably within the scope of structural pest control in the
40 various branches ~~and in wood roof cleaning and treatment~~.

1 SEC. 28. *Section 8566.5 of the Business and Professions Code*
2 *is amended to read:*

3 8566.5. An individual shall be permitted to hold only one
4 license in the same branch ~~or in wood roof cleaning and treatment~~
5 at the same time.

6 If an individual who holds an operator's license requests to be
7 licensed as a field representative or applicator, he or she may apply
8 for a field representative's license or applicator's license and shall
9 be granted the license without examination, if he or she surrenders
10 his or her operator's license to the board, and provided that no
11 disciplinary action has been initiated against the operator's license
12 prior to the date of the individual's application for a field
13 representative's license or applicator's license.

14 If an individual who holds a field representative's license
15 requests to be licensed as an applicator, he or she may apply for an
16 applicator's license and he or she shall be granted the license
17 without examination, if he or she surrenders his or her field
18 representative's license to the board, and if no disciplinary action
19 has been initiated against the field representative's license prior to
20 the date of the individual's application for an applicator's license.

21 SEC. 29. *Section 8593 of the Business and Professions Code*
22 *is amended to read:*

23 8593. The board shall require as a condition to the renewal of
24 each operator's and field representative's license that the holder
25 ~~thereof~~ submit proof satisfactory to the board that he or she has
26 informed himself or herself of developments in the field of pest
27 control either by completion of courses of continuing education in
28 pest control approved by the board or equivalent activity approved
29 by the board. In lieu of submitting that proof, the license holder,
30 if he or she so desires, may take and successfully complete an
31 examination given by the board, designed to test his or her
32 knowledge of developments in the field of pest control since the
33 issuance of his or her license.

34 The board shall develop a correspondence course or courses
35 with any educational institution or institutions as it deems
36 appropriate. This course may be used to fulfill the requirements of
37 this section. The institution may charge a reasonable fee for each
38 course.

39 The board may charge a fee for the taking of an examination in
40 each branch of pest control ~~and in wood roof cleaning and~~

~~treatment~~ pursuant to this section in an amount sufficient to cover the cost of administering each examination, provided, however, that in no event shall the fee exceed fifty dollars (\$50) for each examination.

SEC. 30. Section 8616.5 of the Business and Professions Code is amended to read:

8616.5. (a) The county agricultural commissioner shall be the lead agency for inspections and routine investigations of pesticide use by the board licensees and registered companies, and of persons engaged in unlicensed structural pest control. When a matter is referred to the board for action, the board shall be the lead agency and may require that the commissioner assist in any investigation.

(b) The board and the Director of Pesticide Regulation shall jointly develop the list of the types of investigations to be conducted by the commissioner that may result in the suspension of a license or company registration, or the imposition of a fine, pursuant to Section 8617 and the list of the types of violations that the commissioner shall refer to the board for disciplinary action.

(c) As used in subdivision (a), the term “routine investigations” means all investigations of pesticide misuse by a board licensee or registered company except (1) investigation of misuse incidents that are referred to the board for disciplinary action or that are the basis for county actions to suspend or fine structural pest control ~~or wood cleaning and treatment~~ licensees or registered companies in accordance with the lists promulgated pursuant to subdivision (b), or (2) any investigation performed by the county agricultural commissioner that has been requested by the board and involves exclusively a violation of this code.

SEC. 31. Section 8651 of the Business and Professions Code is amended to read:

8651. The performing or soliciting of structural pest control work, the inspecting for structural or household pests, or the applying of any pesticide, chemical, or allied substance for the purpose of eliminating, exterminating, controlling, or preventing structural pests in branches of pest control ~~or wood roof cleaning and treatment~~ other than those for which the operator, field representative, or applicator is licensed or the company is registered is a ground for disciplinary action.

1 SEC. 32. Section 9746 of the Business and Professions Code
2 is amended to read:

3 9746. All cremated remains disposer registrations shall expire
4 at 12 midnight on September 30th of each year. A person desiring
5 to renew his or her registration shall file an application for renewal
6 on a form prescribed by the bureau accompanied by the required
7 fee. A registration that has expired may be renewed within five
8 years of its expiration upon payment of all accrued and unpaid
9 renewal fees. The bureau shall not renew the registration of any
10 person who has not filed the required annual report until he or she
11 has filed a complete annual report with the department.

12 ~~SEC. 13.—~~

13 SEC. 33. Section 9750 of the Business and Professions Code
14 is amended to read:

15 9750. The amount of fees prescribed for a license or
16 certificate of authority under this act is that fixed by the following
17 provisions of this article. *Any license or certificate of authority*
18 *provided under this act that has expired may be renewed within five*
19 *years of its expiration upon payment of all accrued and unpaid*
20 *renewal and regulatory fees.*

21 SEC. 34. Section 9801 of the Business and Professions Code
22 is amended to read:

23 9801. The following terms as used in this chapter have the
24 meaning expressed in this section:

25 (a) “Person” includes a firm, partnership, association, limited
26 liability company, or corporation.

27 (b) “Department” means the Department of Consumer
28 Affairs.

29 (c) “Director” means the Director of Consumer Affairs.

30 (d) “Bureau” means the Bureau of Electronic and Appliance
31 Repair.

32 (e) “Chief” means the Chief of the Bureau of Electronic and
33 Appliance Repair.

34 (f) “Service dealer” means a person who, for compensation,
35 engages in, or holds himself or herself out to the public as offering
36 services in the business of:

37 (1) Repairing, servicing, or maintaining an electronic set
38 normally used or sold for personal, family, household, or home
39 office use.

1 (2) Installing, repairing, servicing, or maintaining equipment
2 or a burglar alarm system for use in private motor vehicles.

3 (3) Installing, repairing, servicing, or maintaining television or
4 radio receiver antennas, rotators, and accessories or direct satellite
5 signal receiving equipment located on or adjacent to a residence
6 and not involving a function that is subject to and regulated under
7 the provisions of Chapter 9 (commencing with Section 7000).

8 (4) Repairing, servicing, or maintaining major appliances.

9 (g) “Equipment” for the purposes of this chapter means an
10 electronic set, appliance, antenna, rotator, and accessories.

11 (h) “Electronic set” includes, but is not limited to, any
12 television, radio, audio or video recorder or playback equipment,
13 video camera, video game, video monitor, computer system,
14 photocopier, or facsimile machine normally used or sold for
15 personal, family, household, or home office use.

16 (i) “Appliance” or “major home appliance” includes, but is
17 not limited to, any refrigerator, freezer, range, microwave oven,
18 washer, dryer, dishwasher, trash compactor, or room air
19 conditioner normally used or sold for personal, family, household,
20 or home office use, or for use in private motor vehicles.

21 (j) “Antenna” includes, but is not limited to, a resonant device
22 designed especially for the purpose of capturing electromagnetic
23 energy transmitted by direct satellite or commercial radio or
24 television broadcasting facilities. An antenna and its associated
25 accessories are not deemed to be a part of a set and shall be
26 considered, under this section, to be located outside or in the attic
27 of a residence.

28 (k) “Rotator,” when used in connection with an antenna
29 installation or repair, includes, but is not limited to, an
30 electromechanical device operated from a remote location to
31 rotate an antenna on a horizontal plane. A rotator and its associated
32 accessories are not deemed to be a part of a set and shall be
33 considered under this section, with the exception of the directional
34 control unit, to be located outside or in the attic of a residence.

35 (l) “Accessories,” when used in connection with an antenna or
36 rotator installation or repair, includes, but is not limited to, masts,
37 towers, clamps, guy wires, eye hooks, standoff insulators, roof
38 saddles, vent pipe mounts, chimney mount kits, signal
39 amplifiers/boosters, multiset couplers, transmission lines, control



1 cables, directional control units, and other devices as may be used
2 from time to time to effect installation or repair.

3 (m) “Computer system” includes, but is not limited to, a
4 central processing unit that performs data manipulation functions,
5 and any associated peripheral devices, including, but not limited
6 to, keyboards, display terminals, printers, or disk drives.

7 (n) “Video game” includes, but is not limited to, any electronic
8 amusement device that utilizes a computer, microprocessor, or
9 similar electronic circuitry and its own cathode ray tube or a
10 television set or a monitor.

11 (o) “Direct satellite signal receiving equipment” includes, but
12 is not limited to, receivers, down converters, amplifiers, and audio
13 or video processors related to the reception of audio, video, or data
14 signals broadcasted or rebroadcasted by communication satellites
15 located in space.

16 (p) “Electronic repair industry” means those activities defined
17 in paragraph (1), (2), or (3) of subdivision (f).

18 (q) “Appliance repair industry” means those activities defined
19 in paragraph (4) of subdivision (f).

20 ~~SEC. 14.~~

21 *SEC. 35.* Section 9833 of the Business and Professions Code
22 is amended to read:

23 9833. A registrant shall notify the bureau in writing, within 30
24 days, of any change to the information provided by the form
25 specified in Section 9830. A service dealer shall not be required
26 to notify the bureau of employee changes. The director shall make
27 regulations prescribing the procedure for keeping the registration
28 information current.

29 *SEC. 36. Section 1632 of the Civil Code is amended to read:*

30 1632. (a) Any person engaged in a trade or business who
31 negotiates primarily in the Spanish language orally or in writing
32 in the course of entering into:

33 (1) A contract or agreement subject to the provisions of Title
34 2 (commencing with Section 1801) of, and Chapter 2b
35 (commencing with Section 2981) and Chapter 2d (commencing
36 with Section 2985.7) of Title 14 of, Part 4 of Division 3;

37 (2) A loan or extension of credit secured other than by real
38 property, or unsecured, for use primarily for personal, family or
39 household purposes;

(3) A lease, sublease, rental contract or agreement, or other term of tenancy contract or agreement, for a period of longer than one month, covering a dwelling, an apartment, or mobilehome, or other dwelling unit normally occupied as a residence; or

(4) Notwithstanding paragraph (2), a loan or extension of credit for use primarily for personal, family or household purposes where ~~such~~ *the* loan or extension of credit is subject to the provisions of Article 7 (commencing with Section 10240) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, or Division 7 (commencing with Section 18000), or Division 9 (commencing with Section 22000) ~~or Division 10 (commencing with Section 24000)~~ of the Financial Code; or

(5) A contract or agreement, containing a statement of fees or charges, entered into for the purpose of obtaining legal services, when the person who is engaged in business is currently licensed to practice law pursuant to Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code;

shall, deliver to the party to ~~such~~ *the* contract or agreement and prior to the execution thereof, an unexecuted Spanish-language translation of the contract or agreement, except that for a loan subject to this part and to the provisions of Article 7 (commencing with Section 10240) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code, the delivery of a Spanish-language translation of the statement to borrower required by Section 10240 of the Business and Professions Code, shall be deemed compliance with this subdivision. At the time and place where a contract or agreement described in this paragraph is entered into, a Spanish-language notice shall be provided to the lessee or tenant.

(b) Provision by a supervised financial organization of a Spanish-language translation of the disclosures required by Regulation M or Regulation Z, and, if applicable, Division 7 (commencing with Section 18000) or Division 9 (commencing with Section 22000) ~~or Division 10 (commencing with Section 24000)~~ of the Financial Code, prior to the execution of the contract shall also be deemed compliance with the requirements of subdivision (a) with regard to the original contract or agreement.

1 (1) “Regulation M” and “Regulation Z” mean any rule,
2 regulation, or interpretation promulgated by the Board of
3 Governors of the Federal Reserve System and any interpretation
4 or approval issued by an official or employee duly authorized by
5 the board to issue interpretations or approvals dealing with,
6 respectively, consumer leasing or consumer lending, pursuant to
7 the Federal Truth in Lending Act, as amended (15 U.S.C. 1601 et
8 seq.).

9 (2) As used in this section, “supervised financial organization”
10 means a bank, savings association (as defined in Section 5102 of
11 the Financial Code), credit union, or holding company, affiliate,
12 or subsidiary thereof, or any person subject to Article 7
13 (commencing with Section 10240) of Chapter 3 of Part 1 of
14 Division 4 of the Business and Professions Code, or Division 7
15 (commencing with Section 18000) or Division 9 (commencing
16 with Section 22000) ~~or Division 10 (commencing with Section~~
17 ~~24000) of the Financial Code.~~

18 (c) At the time and place where a contract or agreement
19 described in paragraph (1) or (2) of subdivision (a) is entered into,
20 a Spanish-language notice shall be conspicuously displayed to the
21 effect that the person described in subdivision (a) is required to
22 provide an unexecuted Spanish-language contract or agreement,
23 or a Spanish-language translation of the disclosures required by
24 law, as the case may be. If a person described in subdivision (a)
25 does business at more than one location or branch, the
26 requirements of this section shall apply only with respect to the
27 location or branch at which the Spanish language is used.

28 (d) The term “contract” or “agreement,” as used in this
29 section, means the document creating the rights and obligations of
30 the parties and includes any subsequent document making
31 substantial changes in the rights and obligations of the parties. The
32 term “contract” or “agreement” does not include any subsequent
33 documents authorized or contemplated by the original document
34 such as periodic statements, sales slips or invoices representing
35 purchases made pursuant to a credit card agreement, a retail
36 installment contract or account or other revolving sales or loan
37 account, memoranda of purchases in an add-on sale, or refinancing
38 of a purchase as provided by, or pursuant to, the original document.

39 The term “contract” or “agreement” does not include a home
40 improvement contract as defined in Sections 7151.2 and 7159 of

1 the Business and Professions Code, nor does it include plans,
 2 specifications, description of work to be done and materials to be
 3 used, or collateral security taken or to be taken for the retail buyer's
 4 obligation contained in a contract for the installation of goods by
 5 a contractor licensed pursuant to Chapter 9 (commencing with
 6 Section 7000) of Division 3 of the Business and Professions Code,
 7 if ~~such~~ *the* home improvement contract or installation contract is
 8 otherwise a part of a contract described in subdivision (a).

9 Matters ordinarily incorporated by reference in contracts or
 10 agreements as described in paragraph (3) of subdivision (a),
 11 including but not limited to rules and regulations governing a
 12 tenancy and inventories of furnishings to be provided by the
 13 person described in subsection (a) are not included in the term
 14 "contract" or "agreement."

15 (e) This section shall not apply to any person engaged in a trade
 16 or business who negotiates primarily in the Spanish language as
 17 described by subdivision (a) if the party with whom he or she is
 18 negotiating is a buyer of goods or services, or receives a loan or
 19 extension of credit, or enters an agreement obligating himself or
 20 herself as a tenant, lessee, or sublessee, or similarly obligates
 21 himself or herself by contract or lease, and such party negotiates
 22 the terms of the contract, lease, or other obligation through his or
 23 her own interpreter.

24 As used in this subdivision, "his or her own interpreter" means
 25 a person, not a minor, able to speak fluently and read with full
 26 understanding the English and Spanish languages, and who is not
 27 employed by, or whose service is made available through, the
 28 person engaged in the trade or business.

29 (f) The terms of the contract or agreement which is executed in
 30 English shall determine the rights and obligations of the parties.
 31 However, the Spanish-language translation of the contract or the
 32 disclosures required by subdivision (b) shall be admissible in
 33 evidence only to show that no contract was entered into because
 34 of a substantial difference in the material terms and conditions of
 35 the contract and the translation.

36 (g) Upon a failure to comply with the provisions of this section,
 37 the person aggrieved may rescind the contract or agreement in the
 38 manner provided by this chapter. When the contract for a
 39 consumer credit sale or consumer lease which has been sold and
 40 assigned to a financial institution is rescinded pursuant to this

1 subdivision, the consumer shall make restitution to and have
2 restitution made by the person with whom he made the contract,
3 and shall give notice of rescission to the assignee. Notwithstanding
4 that the contract was assigned without recourse, the assignment
5 shall be deemed rescinded and the assignor shall promptly
6 repurchase the contract from the assignee.

7 ~~(h) A person engaged in a trade or business may submit to the~~
8 ~~Department of Consumer Affairs and the department shall then~~
9 ~~verify the accuracy of Spanish language translations of contracts,~~
10 ~~agreements, disclosures required by subdivision (b), and notices.~~

11 ~~(i) Notwithstanding any other provision of law, the liability of~~
12 ~~the Department of Consumer Affairs and its employees in~~
13 ~~verification of the translation of contracts from English to Spanish~~
14 ~~is limited to misrepresentations in such translations and the~~
15 ~~liability of the Department of Consumer Affairs and employees is~~
16 ~~controlled by Sections 815.2 and 822.2 of the Government Code.~~

17 ~~(j) No advertisement, announcement, publication or other~~
18 ~~representation either oral or written that a contract or agreement~~
19 ~~translation from English to Spanish has been verified by the~~
20 ~~Department of Consumer Affairs may be made by any person,~~
21 ~~business or employee utilizing such translated contracts or~~
22 ~~agreements.~~

23 ~~(k) Immediately upon the enactment of this provision the~~
24 ~~Department of Consumer Affairs shall prepare a schedule of fees~~
25 ~~for translation verification as set forth herein.~~